

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN GAFFERS,

Plaintiff,

v.

Case Number 16-10128

Honorable David M. Lawson

KELLY SERVICES, INC.,

Defendant.

ORDER REGARDING PARTIES' PRELIMINARY MOTIONS

This matter is before the Court on the plaintiff's motion conditionally to certify the case as a collective action under the Fair Labor Standards Act (FLSA), the defendant's motion to dismiss, and a slew of preliminary procedural motions filed by the parties. The Court has reviewed the submissions of the parties and held a hearing on April 6, 2016 in which it addressed the parties' preliminary motions and announced from the bench its ruling as to each of them.

Accordingly, it is **ORDERED** that the defendant's motion to stay consideration of the plaintiff's motion for conditional class certification [dkt. #27] is **DENIED** for the reasons stated on the record. The defendant must file its response to the motion to certify class **on or before April 22, 2016**. If the plaintiff wants to file a reply, then he must do so **on or before April 29, 2016**. The plaintiff's motion to reschedule the hearing on the motion to certify class [dkt. #31] is **DENIED** without prejudice. The Court will address the plaintiff's motion for class certification in due course after the briefing is completed.

It is further **ORDERED** that the defendant must file an answer to the complaint **on or before April 22, 2016**.

It is further **ORDERED** that the defendant's motion to compel arbitration [dkt. #25] is **DENIED IN PART** with respect to plaintiff Jonathan Gaffers and **DENIED** without prejudice as to any opt-in members of the putative collective action class.

It is further **ORDERED** that the plaintiff's motion to strike the defendant's early discovery [dkt. #39] is **GRANTED IN PART**. The defendant's interrogatories are **STRICKEN**. The defendant's requests to produce documents will be deemed to be served when the case management conference has been completed and the Court has entered a scheduling order. The motion to strike is **DENIED** in all other respects.

It is further **ORDERED** that the defendant's motion to strike the declaration of plaintiff Jonathan Gaffers [dkt. #40] is **DENIED** without prejudice. The defendant may address the substance of that declaration in its response to the motion for class certification.

It is further **ORDERED** that the defendant's motion to compel the plaintiff to participate in a Rule 26(f) conference [dkt. #43] is **DENIED** as moot.

It is further **ORDERED** that all formal discovery in the case is **STAYED** and the case management and scheduling conference is **ADJOURNED** pending the Court's rulings on the plaintiff's motion for conditional class certification and the defendant's motion to dismiss.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 6, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 6, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI